

Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALEX RANDALL,

Plaintiff,

v.

KING COUNTY; RICHARD C. ROWE,

Defendants.

No. 2:18-cv-01123-JCC

DETECTIVE ROWE’S ANSWER

JURY DEMAND

Detective Richard Rowe answers Plaintiff Alex Randall’s Complaint as follows:

I. ANSWER TO “PARTIES”

1. Detective Rowe lacks knowledge sufficient to form a belief as to the truth of the averments in paragraph 1 of section I of the Complaint.

2. The averments in paragraph 2 of section I of the Complaint are denied.

II. ANSWER TO “JURISDICTION AND VENUE”

1. The averments in paragraph 1 of section II of the Complaint do not require an answer.

2. In answer to paragraph 2 of section II of the Complaint, it's admitted only that this Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1343. All other averments in paragraph 2 of section II of the Complaint are denied.

3. The averment in paragraph 3 of section II of the Complaint is admitted.

4. In answer to paragraph 4 of section II of the Complaint, it's admitted only that the Complaint alleges acts occurring in the geographic boundaries of the Western District of Washington. Except as specifically admitted in this Answer, it's denied that the alleged acts occurred.

5. In answer to paragraph 5 of section II of the Complaint, it's admitted only that this Court has subject-matter and personal jurisdiction and that venue is proper. All other averments, if any, in paragraph 5 of section II of the Complaint are denied.

III. ANSWER TO "FACTS"

1. In answer to paragraph 1 of section III of the Complaint, it's admitted that on August 16, 2017, Plaintiff was riding a motorcycle and that he passed Detective Rowe, who was driving an unmarked police car. Detective Rowe lacks knowledge sufficient to form a belief as to the truth of the remaining averments in paragraph 1 of section III of the Complaint.

2. In answer to paragraph 2 of section III of the Complaint, it's admitted that when traffic stopped for a red light, Detective Rowe activated his emergency lights, exited his car, and approached Plaintiff with his pistol drawn and held in a ready position. It's denied that Detective Rowe intentionally pointed his pistol at Plaintiff.

3. In answer to paragraph 3 of section III of the Complaint, it's admitted that Detective Rowe used some profanity during the initial part of the stop and told Plaintiff he

1 would “dump” him if Plaintiff moved his motorcycle. It’s also admitted that Detective Rowe
 2 removed Plaintiff’s wallet from his front pocket while continuing to hold his pistol in a ready
 3 position. All other averments in paragraph 3 of section III of the Complaint are denied.

4 4. The averments in paragraph 4 of section III of the Complaint are denied.

5 5. The averments in paragraph 5 of section III of the Complaint are denied.

6 6. The averments in paragraph 6 of section III of the Complaint are denied.

7 7. Detective Rowe lacks knowledge sufficient to form a belief as to the truth of
 8 the averments in paragraph 7 of section III of the Complaint.

9 **IV. ANSWER TO “CAUSES OF ACTION”**

10 “A. CLAIM . . . AGAINST DEFENDANT ROWE: EXCESSIVE FORCE.”

11 1. In answer to paragraph 1 of section IV(A) of the Complaint, it’s admitted only
 12 that Detective Rowe was acting in his capacity as a King County deputy sheriff at all relevant
 13 times on August 16, 2017. The remaining averments in paragraph 1 of section IV(A) of the
 14 Complaint are denied.

15 2. The averments in paragraph 2 of section IV(A) of the Complaint are denied.

16 “B. MUNICIPAL LIABILITY CLAIM . . . FAILURE TO TRAIN”

17 1. The averments in paragraph 1 of section IV(B) of the Complaint are denied.

18 2. The averments in paragraph 2 of section IV(B) of the Complaint are denied.

19 3. The averments in paragraph 3 of section IV(B) of the Complaint are denied.

20 4. The averments in paragraph 4 of section IV(B) of the Complaint are denied.

21 “C. MUNICIPAL LIABILITY CLAIM . . . FAILURE TO SUPERVISE”

22 1. The averments in paragraph 1 of section IV(C) of the Complaint are denied.

23 2. The averments in paragraph 2 of section IV(C) of the Complaint are denied.

3. The averments in paragraph 3 of section IV(C) of the Complaint are denied.

4. The averments in paragraph 4 of section IV(C) of the Complaint are denied.

V. ANSWER TO “JURY DEMAND”

Detective Rowe also demands trial by jury.

VI. DENIAL OF “PRAYER FOR RELIEF”

It’s denied that Plaintiff is entitled to any of the relief requested in his Complaint.

VII. DENIAL OF LIABILITY

Except as specifically admitted above, all of Plaintiff’s allegations are denied. Any liability to Plaintiff is denied.

VIII. AFFIRMATIVE DEFENSES

By way of further answer and as defenses to the Complaint, but without conceding that he has the burden of proof as to any issue, Detective Rowe asserts the following defenses:

1. The Complaint fails, in part, to state a claim upon which relief can be granted.

2. Plaintiff’s alleged injuries and damages were caused or contributed to by his own fault, and any judgment against Detective Rowe must be reduced proportionately.

3. Plaintiff’s alleged injuries and damages were caused by his gross negligence.

4. Plaintiff’s alleged injuries and damages were caused by his wanton and willful misconduct.

5. Plaintiff assumed the risk of harm.

6. Some or all of Plaintiff’s symptoms and conditions might relate to a pre-existing or subsequent illness, injury, or condition.

7. Plaintiff failed to mitigate his alleged injuries and damages.

1 8. Detective Rowe's actions were reasonable and justified under the
2 circumstances.

3 9. Detective Rowe's actions were privileged and, therefore, cannot be the basis
4 for liability.

5 10. Detective Rowe acted in self-defense and defense of others.

6 11. Plaintiff's actions created a sudden emergency.

7 12. Detective Rowe has qualified immunity.

8 13. Plaintiff has unclean hands.

9 14. Detective Rowe reserves the right to amend his Answer to assert additional
10 affirmative defenses revealed in the course of investigation and discovery.

11 **IX. PRAYER FOR RELIEF**

12 Detective Rowe prays for the relief as follows:

13 1. Dismissal of Plaintiff's action with prejudice;

14 2. An award to Detective Rowe of his attorney's fees and costs, pursuant to 28
15 U.S.C. § 1988, and other applicable law; and

16 3. Any other relief the Court deems just and equitable.

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1 DATED: September 19, 2018

2 MILLS MEYERS SWARTLING P.S.
3 Attorneys for Detective Richard Rowe

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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

Christopher Carney: christopher.carney@cgilaw.com

Kenan Isitt: kenan.isitt@cgilaw.com

Sean Gillespie: sean.gillespie@cgilaw.com

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I further certify that I mailed a true and correct copy of the foregoing to the following non-CM/ECF participants by U.S. Mail:

N/A

DATED: September 19, 2018

s/Karrie Fielder

Karrie Fielder